

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: McHale et al.	:	
	:	
Serial No.: 09/993,243	:	Examiner: E. Gort
	:	
Filed: November 6, 2001	:	Group Art Unit: 3627
	:	
For: <i>System and Method for Serving</i>	:	
<i>Patrons of Restaurants and Bars</i>	:	

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APPEAL BRIEF OF THE APPELLANT UNDER 37 C.F.R. § 41.37

COMES NOW Appellant and submits its appeal brief and argument to the U.S. Patent Office Board of Patent Appeals and Interferences under 37 C.F.R. §41.37. This is an appeal of the Examiner's Final Rejection of claims 1, 3, 5, 7-25, 29, 30, 32-47, and 54-72 of U.S. Patent Application Serial No. 09/993,243 filed November 6, 2001 and titled *System and Method for Serving Patrons of Restaurants and Bars*.

(1) Real Party In Interest

This application has not been assigned, and thus, the real parties in interest are the joint inventors, John T. McHale IV and Jerome Katz.

(2) Related Appeals and Interferences

Appellant is not aware of any appeals, interferences, or judicial proceedings that may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

Claims 2, 4, 6, 26-28, 31, and 48-53 have previously been canceled.

Claims 1, 3, 5, 7-25, 29, 30, 32-47, and 54-72 are pending in the application. Claims 1, 3, 5, 7, 12, 14, 16, 17, 19, 57-60 and 65 stand rejected under 35 U.S.C. §102 as being anticipated by the prior art. Claims 8-11, 13, 15, 18, 20-25, 29, 30, 32-47, 54-56, 61-64, and 66-72 stand rejected under 35 U.S.C. §103(a) as being obvious. Each claims has been rejected more than once, although the last Office Action not made final. The claims on appeal are claims 1, 3, 5, 7-25, 29, 30, 32-47, and 54-72 and are set forth in full in the Appendix of Claims on Appeal attached hereto and incorporated herein.

(4) Status of Amendments

No amendments have been filed subsequent to the most recent rejection.

(5) Summary of the Invention

As specified in independent claim 1 on appeal, the invention is directed to a patron service system. The system has at least one patron station that electronically displays menu items and at least one advertisement. *Specification, page 5, lines 19-26; Figures 1-2, reference numeral 102; Figure 9 (shows the display)*. The system also has an establishment server in communication with the patron station(s). *Specification, page 5, lines 34-35; Figures 1-2, reference numeral 104*. The establishment server hosts a database or storing a plurality of advertisements and an advertisement selection program for selecting which advertisements are displayed on a patron station. *Specification, page 6, lines 3-12*. The server is configured to receive and process orders placed through a patron station, to execute the advertisement selection program, and to communicate the selected advertisement to the patron station. *Specification, page 11, lines 27-33*. The system also comprises a separate central server that communicates at least a portion of said advertisement selection program to the establishment server. *Specification, page 6, lines 29-32; Figures 1-2, reference numeral 108*.

As specified in independent claim 24 on appeal, the invention is directed to a method for controlling the advertising delivered to patrons at an establishment having at least one patron station configured to take orders (*specification, page 5, lines 19-26; Figures 1-2, reference numeral 102*) in communication with an establishment server (*specification, page 5, lines 34-35; Figures 1-2, reference numeral 104*) where the establishment server is configured to receive and process orders input at the patron station(s) and to execute an advertisement selection program (*specification, page 11, lines 27-33*). The method comprises the step of receiving at least a portion of the advertisement selection program from a remote central server. *Specification, page 16, lines 16-18*.

As specified in independent claim 46 on appeal, the invention is directed to a method for controlling the advertising delivered to patrons, which is similar to that of claim 24, above. The method of claim 46 is a comparable method for a system specifically having a plurality of establishment servers connected to the central server over a network (*specification, page 15, lines 35-36; Figures 1-2, reference numeral 106*). The method comprises the step of communicating from the central server to each such establishment server, at least a portion of the advertising selection program (*specification, pages 16, lines 16-18*) where the advertising selection program defines a set for rules to determine which advertisements are displayed. *Specification, page 16, lines 21-25*.

As specified in independent claim 54 on appeal, the invention is directed to a patron service system, which is similar to that of claim 1, above. The system in claim 54 is specifically directed to a system involving a plurality of establishments, each establishment having its own patron stations and an establishment server connected to the central server via the network (*specification, page 15, lines 35-36; Figures 1-2, reference numeral 106*). *The references cited for claim 1 already anticipate a plurality of establishments and corresponding establishment servers*.

As specified in independent claim 65 on appeal, the invention is directed to a method of serving at least one patron at an establishment having at least one patron station (*specification, page 5, lines 19-26; Figures 1-2, reference numeral 102*) and establishment server in

communication therewith (*specification, page 5, lines 34-35; Figures 1-2, reference numeral 104*), the establishment server having a database for storing a plurality of advertisements (*specification, page 6, lines 3-12*), and being in communication with a central server located at a remote location (*specification, page 6, lines 29-32; Figures 1-2, reference numeral 108*). The method comprises the steps of displaying menu items on a patron station (*Figures 8 and 9*); receiving an order input from the patron station (*specification, page 5, lines 26-28*); communicating that order to the establishment server (*specification, page 5, line 35 – page 6, line 2*); processing the order (*id.*); storing locally originating advertisements in the establishment server database (*specification, page 6, lines 3-4*); receiving advertisements in the database from a non-local origin (*specification, page 6, lines 26-29*); storing those non-locally originating advertisements in the establishment server database (*id.*); communicating a plurality of the advertisements to a patron station (*specification, page 6, lines 4-7*); and displaying those advertisements on the patron station (*specification, page 6, lines 17-22; Figure 9*).

As specified in independent claim 71 on appeal, the invention is directed to a method for controlling the advertising delivered to patrons, which is similar to that of claim 46, above. The method of claim 71 is a comparable method specifically having a plurality of the advertisement selection programs each with an advertising strategy specific to a particular establishment where the advertisement selection programs select advertisements based on those strategies. *Specification, page 7, lines 4-9.*

It should be appreciated that the references to pages of the specification and to the drawing figures herein are exemplary of where support for the various aspects of the claimed invention can be found in the specification of the application. However, support for such aspects of the invention is not necessarily limited to such specific references.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1, 3, 5, 7, 12, 14, 16, 17, 19, 57-60 and 65 have been rejected under 35 USC §102 as being anticipated by U.S. Patent No. 6,636,835 issued to Ragsdale-Elliott et al. (hereinafter Ragsdale).

Claims 8-11, 13, 15, 18, 20, 24, 25, 29, 30, 32-35, 39-47, 54-56, 61-64, and 66-73 have been rejected under 35 USC §103(a) as being unpatentable over Ragsdale in view of Examiner's Official Notice.

Claims 21-23 and 36-38 have been rejected under 35 USC §103(a) as being unpatentable over Ragsdale in view of U.S. Patent No. 4,553,222 issued to Kurland (hereinafter Kurland).

(7) Arguments

(i) Rejection of claims 1, 3, 5, 7, 12, 14, 16, 17, 19, 57-60 and 65 under 35 USC §102 as being anticipated by Ragsdale

All of the pending claims require a separate central server from the establishment server(s). In the Office Action prior to the current one (dated January 26, 2005), the Examiner rejected all of the above claims under 35 U.S.C. §103(a) as being obvious and unpatentable over Ragsdale in view of U.S. Patent No. 5,535,407 to Yanagawa et al. ("Yanagawa") and

Kurland.¹ The Examiner asserted that Yanagawa taught a central server and an establishment server. On the contrary, Yanagawa does not teach a separate central server capable of communicating advertisements or advertisement selection programs. In its response of July 26, 2005, Applicant pointed this out to the Examiner. The Applicant additionally noted that “neither Ragsdale, Kurland, nor Yanagawa teach or even suggest a central server as set forth in claim 1.”

In the present Office Action, the Examiner withdrew the §103(a) rejection based on Yanagawa, Kurland, and Ragsdale, and substituted a §102 rejection based solely on Ragsdale. Ragsdale is not a proper basis for a §102 rejection because it does not disclose all of the limitations in the pending claims. Specifically, Ragsdale fails to disclose a separate central server capable of communicating at least a portion of an advertisement selection program to an establishment server.

Ragsdale discloses a system having a wireless patron station in an establishment. Using a touch screen, a patron can order off of a menu electronically displayed on the patron station, the order being transmitted to an establishment server. However, Ragsdale does not disclose the use of advertising on the patron stations. The Examiner interprets the display of menu items on the Ragsdale patron station as constituting an advertisement. Applicant respectfully submits that any logical reading of its claims requires “advertisements” to be construed as something above and beyond the display of menu items. First, the elements are claimed separately – the patron station is “configured to electronically display a plurality of menu items **and** electronically display at least one advertisement thereon.” Claim 1 (emphasis added). Additionally, when interpreted in light of the specification (including the Summary of Invention and Figure 9), it would be clear to one of ordinary skill in the art that the “advertisements” are something separate from the menu items.

Next, the Examiner asserts that Ragsdale discloses “a central server in communication with said establishment server, the central server being configured to communicate at least a portion of said advertisement selection program to said establishment server.” For support, Examiner points to Ragsdale, column 5, lines 36 et seq. The cited passage in Ragsdale describes the use of the internet to either download images of menu items or to provide a source to link menu items to associated images. As mentioned previously, this has nothing to do with advertisements. Moreover, it therefore does not relate to an advertisement selection program or the communication thereof. Thus, the internet does not qualify as a central server within the meaning of the present claims, nor does anything disclosed in Ragsdale meet the limitations required of the central server – namely the communication of an advertisement selection program.

In view of the foregoing, it follows that Ragsdale fails to teach all of the limitation of claims 1, 3, 5, 7, 12, 14, 16, 17, 19, 57-60 and 65. Thus, the anticipation rejection of claims 1, 3, 5, 7, 12, 14, 16, 17, 19, 57-60 and 65 is improper and should be reversed.

¹ It should be noted that no rejections were made in the January 26, 2005 Office Action under 35 U.S.C. §102, although Ragsdale was cited at the time.

(ii) Rejection of claims 8-11, 13, 15, 18, 20, 24, 25, 29, 30, 32-35, 39-47, 54-56, 61-64, and 66-73 under 35 USC §103(a) as being unpatentable over Ragsdale in view of Examiner's Official Notice

This rejection by the Examiner is essentially identical to the previous rejection, except the Examiner took Official Notice "that it is old and well known in the art of marketing to store customer information on centralized servers to be accessible from multiple stores." Because the rejection is based on the assumption that Ragsdale teaches a the use of advertisements and an advertisement selection program for displaying those advertisement on a patron station; and that it teaches the use of a central sever separate from the establishment server for communicating at least a portion of that advertisement selection program to the establishment server, the rejection is improper and should be reversed.

(iii) Rejection of claims 21-23 and 36-38 under 35 USC §103(a) as being unpatentable over Ragsdale in view of Kurland

Kurland adds the component of music selections available at the patron stations as required by claims 21-23 and 36-38. The basic premise of the rejection is still the same as the other rejections discussed above. Because the rejection is based on the assumption that Ragsdale teaches a the use of advertisements and an advertisement selection program for displaying those advertisement on a patron station; and that it teaches the use of a central sever separate from the establishment server for communicating at least a portion of that advertisement selection program to the establishment server, the rejection is improper and should be reversed.

(8) Conclusion

For the reasons set forth above, Appellant respectfully submits that claims 1, 3, 5, 7-25, 29, 30, 32-47, and 54-73 are allowable over the prior art, and requests that the rejections of these claims be reversed and the claims allowed.

Respectfully submitted,

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Appendix of Claims on Appeal

1. A patron service system for serving at least one patron of an establishment, said system comprising:
 - at least one patron station located in said establishment and configured to electronically display a plurality of menu items and electronically display at least one advertisement thereon, each patron station also being configured to receive order input from a patron corresponding to an order of at least one of said menu items;
 - an establishment server in communication with each patron station, said establishment server comprising (1) a database for storing a plurality of advertisements and (2) an advertisement selection program for selecting which of said stored advertisements are to be communicated to said at least one patron station for display thereon, said establishment server being configured to (1) receive and process said order input for later fulfillment of said order, (2) execute said advertisement selection program, and (3) communicate the advertisement selected upon execution of the advertisement selection program to said at least one patron station for display thereon; and
 - a central server in communication with said establishment server, said central server being configured to communicate at least a portion of said advertisement selection program to said establishment server.
3. The system of claim 1 wherein said establishment server further includes means for changing the content of said advertising data base.
5. The system of claim 1 further comprising a plurality of said establishment servers in communication with said central server, said central server being configured to communicate a plurality of advertisements to each of said establishment servers for storage in their respective advertising data bases.
7. The system of claim 5 wherein each of said patron stations is further configured to receive demographic information from a patron and communicate said demographic information to said establishment server.
8. The system of claim 7 wherein said central server includes a database and wherein each of said establishment servers is further configured to accumulate and communicate demographic information to said central server for accumulation into said central server data base.
9. The system of claim 1 wherein said advertisement selection program is further configured to select at least one advertisement from said plurality of advertisements stored in said advertising data base to communicate to a patron station for display at least partially in response to a particular order input.
10. The system of claim 9 wherein said advertisement selection program is further configured to select at least one advertisement from said plurality of advertisements stored in said advertising data base to communicate to a patron station for display at least partially in response to a particular time of day.
11. The system of claim 10 wherein each patron station is further configured to (1) receive patron identity input from a patron corresponding to that patron's identity and (2) communicate said patron identity input to said establishment server, and wherein said advertisement selection program is further configured to select at least one advertisement from said plurality of

advertisements stored in said advertising data base to communicate to a patron station for display at least partially in response to a particular patron identity input.

12. The system of claim 5 wherein each patron station is further configured to (1) receive advertisement selection input from a patron corresponding to a selection of an advertisement displayed thereon and (2) communicate said advertisement selection input to said establishment server for further processing thereby.

13. The system of claim 12 wherein said establishment server is further configured to store a plurality of advertisement supplements thereon, each advertisement supplement being associated with an advertisement stored in said advertising data base, said establishment server being further configured to communicate said advertisement supplement associated with a particular advertisement to a particular patron station for display thereon in response to that particular patron station receiving advertisement selection input corresponding to a selection of that particular advertisement.

14. The system of claim 12 wherein said establishment server is further configured to link a particular patron station to a website associated with a particular advertisement in response to that particular patron station receiving advertisement selection input corresponding to a selection of that particular advertisement.

15. The system of claim 12 wherein said establishment server is further configured to (1) store data corresponding to said advertisement selection input in an advertisement selection record, and (2) communicate said advertisement selection record to said central server.

16. The system of claim 1 wherein each patron station is further configured to (1) receive patron identity input from a patron corresponding to that patron's identity and (2) communicate said patron identity input to said establishment server for further processing thereby.

17. The system of claim 16 wherein said establishment server is further configured to create and store thereon a patron file for each different patron identity, said patron file identifying at least one menu item ordered by said patron corresponding to said patron identity.

18. The system of claim 17 wherein said establishment server is further configured to communicate each patron file to said central server.

19. The system of claim 17 wherein each patron station is further configured to (1) receive advertisement selection input from a patron having a patron file, said advertisement selection input corresponding to a selection of an advertisement displayed thereon and (2) communicate said advertisement selection input to said establishment server, and wherein said establishment server is further configured to store said advertisement selection input in said patron file corresponding to said patron from which said advertisement selection input was received.

20. The system of claim 5 wherein said establishment server is further configured to (1) store data corresponding to said order input in an order record, and (2) communicate said order record to said central server.

21. The system of claim 5 wherein said establishment server is also in communication with a music playing device having a plurality of selectable music items and configured to play any of said music items upon selection, wherein each patron station is further configured to receive music selection input corresponding to a selection of at least one of said music items, and

wherein said establishment server is further configured to send a signal to said music playing device operative to initiate the playing of each selected music item in response to said music selection input.

22. The system of claim 21 wherein said establishment server is further configured to store said music selection input in a music selection record and communicate said music selection record to said central server.

23. The system of claim 21 wherein said establishment server is further configured to select at least one advertisement from said plurality of advertisements stored in said advertising data base to communicate to a patron station for display at least partially in response to a particular music selection input.

24. In an establishment having at least one patron station located therein, said patron station having a display on which a plurality of selectable menu items are electronically displayed, said patron station being configured to receive order input from a patron corresponding to an order of at least one of said menu items, said patron station also being in communication with an establishment server configured to (1) receive and process said order input to enable subsequent fulfillment of said order and (2) execute an advertisement selection program, said advertisement selection program defining the conditions under which an advertisement is to be selected for communication to said at least one patron station for display thereon, a method for controlling the advertising delivered to patrons of said establishment, said method comprising:
receiving at least a portion of said advertisement selection program at said establishment server from a remote central server in communication with said establishment server via a computer network.

25. The method of claim 24 further comprising:
receiving a plurality of advertisements at said establishment server from said central server; and
executing said advertisement selection program to select at least one of said received advertisements for communication to each patron station for display thereon.

29. The method of claim 24 wherein said advertisement selection program's selection of advertisements for a patron station is at least partially based on said order input received by that patron station.

30. The method of claim 29 wherein said advertisement selection program's selection of advertisements for a patron station is at least partially based on a particular time of day.

32. The method of claim 30 wherein each patron station is further configured to receive patron identity input from a patron corresponding to a patron's identity, said method further comprising:
receiving patron identity input on at least one patron station; and
wherein said advertisement selection program's selection of advertisements for a patron station is at least partially based on said patron identity input received by that patron station.

33. The method of claim 24 wherein each patron station is further configured to receive advertisement selection input corresponding to a selection of a particular advertisement displayed thereon, said method further comprising:
storing a plurality of advertisement supplements on said establishment server, each advertisement supplement being associated with an advertisement stored thereon;

receiving advertisement selection input on at least one patron station; and
electronically displaying said advertisement supplement associated with said particular advertisement corresponding to said advertisement selection input on the display of the particular patron station that received said advertisement selection input.

34. The method of claim 24 wherein each patron station is further configured to receive advertisement selection input corresponding to a selection of a particular advertisement displayed thereon, said method further comprising:

receiving advertisement selection input on at least one patron station;
connecting said establishment server to a website associated with a sponsor of the particular advertisement corresponding to said advertisement selection input; and
communicating said website to the patron station that received said advertisement selection input for display thereon.

35. The method of claim 24 wherein each patron station is further configured to receive advertisement selection input corresponding to a selection of a particular advertisement displayed thereon, said method further comprising:

receiving advertisement selection input on a plurality of patron stations;
storing data corresponding to said received advertisement selection input in an advertisement selection record; and
communicating said advertisement selection record to said central server via said network.

36. The method of claim 24 wherein said establishment server is in communication with a music playing device having a plurality of selectable music items and configured to play any of said music items upon selection, and wherein each patron station is configured to receive music selection input corresponding to a selection of at least one of said music items, said method further comprising:

receiving music selection input on at least one patron station; and
sending a signal from said establishment server to said music playing device operative to initiate the playing of said selected music item.

37. The method of claim 36 further comprising:
storing data corresponding to said music selection input in a music selection record; and
communicating said music selection record to said central server via said network.

38. The method of claim 36 wherein said advertisement selection program's selection of advertisements for a patron station is at least partially based on said music selection input received by that patron station.

39. The method of claim 24 wherein each patron station is further configured to receive patron identity input corresponding to a patron's identity, said method further comprising:

receiving patron identity input on at least one patron station;
storing data corresponding to said patron identity input in a patron record; and
communicating said patron record to said central server via said network.

40. The method of claim 39 wherein each patron station is further configured to receive advertisement selection input corresponding to a selection of a particular advertisement, said method further comprising:

receiving advertisement selection input on said patron stations from a plurality of patrons;

associating said advertisement selection input with each patron from which it was received; and

storing data corresponding to said advertisement selection input in said patron record for said patron associated therewith.

41. The method of claim 24 wherein said establishment server is also in communication with an establishment server input device, said method further comprising:

receiving patron identity input corresponding to a patron's identity on said establishment server input device from an authorized user;

storing data corresponding to said patron identity input in a patron record; and

sending said patron record to said central server via said network.

42. The method of claim 24 further comprising:

storing data corresponding to said order input in an order record;

communicating said order record to said central server via said network.

43. The method of claim 42 wherein each patron station is further configured to receive advertisement selection input corresponding to a selection of a particular advertisement displayed thereon, said method further comprising:

receiving advertisement selection input on said patron stations from a plurality of patrons;

associating said advertisement selection input with an order also received on the patron station that received said advertisement selection input; and

storing data corresponding to said advertisement selection input in said order record for said order associated therewith.

44. The method of claim 24 further comprising:

storing inventory data on said establishment server, said inventory data corresponding to a supply of at least one of said menu items;

updating said inventory data at least partially in response to said received order inputs;

and

determining at least partially from said inventory data whether an additional amount of said menu item corresponding to said inventory data is needed.

45. The method of claim 44 further comprising:

upon a determination being made that an additional amount of said menu item corresponding to said inventory data is needed, communicating a supply request over said network to a computer associated with a provider of said needed menu item and configured to receive and process said supply request.

46. In a system comprising a central server connected to a network, a plurality of establishment servers also connected to said network, and a plurality of patron stations, each establishment server being associated with at least one establishment, each patron station being connected to the establishment server associated with the establishment within which that patron station is located, each patron station having a display on which a plurality of selectable menu items and a plurality of advertisements are electronically displayed, each patron station being configured to receive order input corresponding to an order of at least one of said menu items, each establishment server being configured to store a plurality of advertisements thereon and communicate at least one of said stored advertisements to each patron station connected thereto for subsequent display on said patron station display, each establishment server also being configured to receive and process any order input received by each patron station to

which it is connected to thereby enable subsequent fulfillment of such orders, a method of controlling the advertisements displayed on the patron station displays of each patron station, said method comprising:

for each establishment server, communicating from said central server to each establishment server for execution thereby at least a portion of an advertisement selection program, said advertisement selection program defining a plurality of rules governing which advertisements are to be selected for communication to said patron stations connected to that establishment server for display thereon.

47. The method of claim 46 wherein said rules take into account at least one selected from the group consisting of (1) an order input received by a patron station, (2) an identity of a patron using a patron station, and (3) an input received by a patron station from a patron when determining which of said advertisements are to be selected for display.

54. A patron service system for serving patrons located in a plurality of establishments, said system comprising:

a central server connected to a network;

a plurality of establishment servers, each establishment server being connected to said network and being associated with at least one establishment; and

a plurality of patron stations, each patron station being located in an establishment and being connected to the establishment server associated with the establishment within which that patron station is located;

wherein each patron station has a display on which a plurality of selectable menu items and at least one advertisement are electronically displayed;

wherein each patron station is configured to receive order input corresponding to an order of at least one of said menu items;

wherein each establishment server is configured to receive and process the order input received by each patron station connected thereto for subsequent fulfillment of each order;

wherein said central server is configured to communicate a plurality of advertisements to each establishment server over said network;

wherein each establishment server is further configured to communicate at least one of said advertisements stored thereon to each patron station connected thereto for subsequent display on thereon;

wherein said central server is configured to store an advertisement selection program that is executable to determine which advertisements are to be displayed on which patron stations; and

wherein said advertisement selection program comprises a plurality of rules for governing advertisement selection, said rules taking into account at least one selected from the group consisting of (1) an order input received by a patron station, (2) an identity of a patron using a patron station, and (3) an input received by a patron station from a patron when determining which of said advertisements are to be selected for display.

55. The system of claim 54 wherein each establishment server is further configured to receive said advertisement selection program from said central server for execution thereby.

56. The system of claim 54 wherein said central server is further configured to execute said advertisement selection program.

57. The system of claim 5 wherein said central server is further configured to communicate a plurality of advertisement selection programs to said establishment servers, each of the

advertisement selection programs being determinative of any of a plurality of different advertisement selection methodologies.

58. The system of claim 5 wherein not all establishment server databases store the same plurality of advertisements.

59. The system of claim 5 wherein at least one advertisement is associated with a product, and wherein each patron station is further configured to (1) receive advertisement selection input from a patron corresponding to a selection of a product-associated advertisement displayed thereon and (2) communicate said advertisement selection input to said establishment server, and wherein said establishment server is further configured to effectuate a purchase of the product associated with the advertisement corresponding to the advertisement selection input.

60. The system of claim 59 wherein said establishment server is configured to effectuate said purchase through an on-line product order.

61. The method of claim 24 wherein each patron station is further configured to receive advertisement selection input corresponding to a selection of a particular advertisement displayed thereon, said particular advertisement having a purchasable product associated therewith, said method further comprising:
effectuating a purchase of said product associated with said particular advertisement at least partially in response to receipt of advertisement selection input indicating a patron's selection of said particular advertisement.

62. The method of claim 61 wherein said effectuating step comprises effectuating said purchase through an on-line product order.

63. The method of claim 47 wherein not all advertisement selection programs comprise the same plurality of rules.

64. The method of claim 47 wherein not all establish servers store the same plurality of advertisements.

65. A method of serving at least one patron of an establishment, wherein at least one patron station is located within said establishment, wherein an establishment server is in communication with each patron station, said establishment server comprising a database for storing a plurality of advertisements, and wherein said establishment server is in communication with a remote central server that is not located within said establishment, said method comprising:

- electronically displaying a plurality of menu items on at least one patron station;
- receiving, at said at least one patron station, receive order input from a patron corresponding to an order of at least one of said menu items;
- communicating said received order input from said at least one patron station to said establishment server;
- processing said order input at said establishment server for later fulfillment of said order;
- locally initiating a plurality of advertisements at said establishment;
- storing said locally initiated advertisements in said establishment server database;
- receiving at said establishment server from a remote central server, a plurality of advertisements that were initiated non-locally relative to said establishment;

storing said advertisements received from said remote central server in said establishment server database;

communicating a plurality of said advertisements that are stored in said establishment server database from said establishment server to said at least one patron station; and

electronically displaying on said at least one patron station the advertisements communicated thereto from said establishment server.

66. The method of claim 65 wherein said step of storing said locally initiated advertisements comprises loading said locally initiated advertisements into said database via a local interface to said establishment server, wherein access to said local interface is limited to authorized users.

67. The method of claim 65 further comprising receiving said locally-initiated advertisements at said establishment server from said remote central server.

68. The method of claim 65 further comprising executing on said establishment server an advertisement selection program to thereby select which stored advertisements are to be selected for communication to said at least one patron station for display thereon, said advertisement selection program comprising a plurality of rules for governing advertisement selection, said rules taking into account at least one selected from the group consisting of (1) an order input received by a patron station, (2) an identity of a patron using a patron station, and (3) an input received by a patron station from a patron when determining which of said advertisements are to be selected for display.

69. The method of claim 68 further comprising receiving, at said establishment server from said remote central server, at least a portion of said advertisement selection.

70. The method of claim 65 further comprising executing on said remote central server an advertisement selection program to select which stored advertisements are to be selected for communication to said at least one patron station for display thereon, said advertisement selection program comprising a plurality of rules for governing advertisement selection, said rules taking into account at least one selected from the group consisting of (1) an order input received by a patron station, (2) an identity of a patron using a patron station, and (3) an input received by a patron station from a patron when determining which of said advertisements are to be selected for display.

71. In a system comprising a central server connected to a network, a plurality of establishment servers also connected to said network, and a plurality of patron stations, each establishment server being associated with at least one establishment, each patron station being connected to the establishment server associated with the establishment within which that patron station is located, each patron station having a display on which a plurality of selectable menu items and a plurality of advertisements are electronically displayed, each patron station being configured to receive order input corresponding to an order of at least one of said menu items, each establishment server being configured to store a plurality of advertisements thereon and communicate at least one of said stored advertisements to each patron station connected thereto for subsequent display on said patron station display, each establishment server also being configured to receive and process any order input received by each patron station to which it is connected to thereby enable subsequent fulfillment of such orders, a method of controlling the advertisements displayed on the patron station displays of each patron station, said method comprising:

creating a plurality of advertisement selection programs, each advertisement selection program being associated with an establishment and implementing an advertising strategy for

that establishment that defines the conditions under which advertisements are to be selected for display on patron stations associated with that establishment; and

executing said advertisement selection programs to determine which advertisements are to be selected for display on patron stations located within the establishments associated with the executed advertisement selection programs.

72. The method of claim 71 further comprising, for each establishment, communicating said advertisement selection programs from said central server to the establishment servers of the establishments associated therewith for local execution thereby.

73. The method of claim 71 wherein said advertisement selection programs comprise a plurality of rules for selecting which advertisements are to be displayed, said rules being at least partially based on at least one of the criteria selected from the group consisting of: (1) an order input received by a patron station, (2) a patron profile of a patron using a patron station, and (3) input received by a patron station.

Appendix of Submitted Evidence

No evidence has been submitted by Applicant in this case.

Appendix of Decisions in Related Proceedings

There are no related proceedings.